

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
TUESDAY, SEPTEMBER 20, 2005 AT 9:00 A.M.
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Please see the regular meeting Open Session Agenda to determine when such matters may be heard.**

CS-1 *People of the State of California v. City of San Diego*
San Diego Superior Court No. GIC 835383-1

DCA assigned: D. Smith

This case involves an eminent domain action in which CalTrans seeks to condemn a portion of the City’s property as a part of the Interstate 125 freeway project. The City has two water pipelines on the property. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on Plaintiff’s most recent offer to settle the case.

CS-2 *Westbrook Torrey Hills LLP v. City of San Diego*
San Diego Superior Court No. GIC 824491

DCA assigned: C. Silva

This case involves a complaint for breach of contract and declaratory relief. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction.

CS-3 *Border Business Park v. City of San Diego*

Appellate Case No. D039225; SDSC Case No. GIC 692794

Otay Acquisitions v. City of San Diego

SDSC Case No. GIC 753247

National Enterprises, Inc. v. City of San Diego

SDSC Case Nos. GIC 791407; GIC 805465

ACA assigned: L. Girard

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. The Border Business Park case has been referred to a mediation process in the appellate court. In closed session the City Attorney will report on the status of the mediation and request appropriate direction.

CS-4 In Re: SEC Investigation into City Bond and Disclosure Practices

ACA assigned: D. McGrath

In closed session the City Attorney and the law firm of Morgan Lewis and Bachius will discuss the SEC ongoing investigation into the City's bond and disclosure practices and a tentative draft consent decree.

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b):

CS-5 In Re: David Cowan

ACA assigned: D. McGrath

The City has received a letter from an attorney representing David Cowan that requests that the City reimburse Mr. Cowan for attorney's fees incurred in connection with the case *U.S. v. Cowan, et. al*, Case No. 03CR2434-JM. In closed session the City Attorney will report on this matter and seek appropriate direction.

Threat to public services or facilities, pursuant to California Government Code section 54957:

CS-6 In Re: Water Department Security of Public Services and Facilities

DCA assigned: J. Kirk

Consultation with: Vic BIANES, Deputy Director, Water Department and Augie GHIO, Director of the City of San Diego Office of Homeland Security.